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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/477,101	01/04/2000	LINDEN A. DECARMO	2655-0018	8713		
62889 7	590 06/14/2006	EXAMINER				
	BERQUIST JACKSON	BULLOCK JR, LEWIS ALEXANDER				
4300 WILSON 7TH FLOOR	4300 WILSON BLVD. 7TH FLOOR		ART UNIT	PAPER NUMBER		
ARLINGTON,	, VA 22203	2195				
			DATE MAILED: 06/14/2006	DATE MAILED: 06/14/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application No. Applicant(s) 09/477,101 DECARMO, LINDEN A.						
				DEN A.				
		Examiner		Art Unit				
		Lewis A. Bulle	ock, Jr.	2195				
The MAILING DATE of this con Period for Reply	nmunication app	ears on the co	over sheet with the c	orrespondence a	ddress			
·								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1) Responsive to communication(s) filed on sharle	nt∍						
2a)☐ This action is FINAL .	〗Responsive to communication(s) filed on <u>अंदा</u> र्षः 〗This action is FINAL . 2b)⊠ This action is non-final.							
<u>· —</u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims								
4)⊠ Claim(s) <u>1-19</u> is/are pending in the application.								
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)⊠ Claim(s) <u>1-7 and 15-19</u> is/are allowed.								
6)⊠ Claim(s) <u>8-14</u> is/are rejected.	<u> </u>							
7) Claim(s) is/are objected	to.							
8) Claim(s) are subject to r	8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers								
9) The specification is objected to	by the Examiner	r .						
10)⊠ The drawing(s) filed on <i>04 Janu</i>	<i>ary 2000</i> is/are:	a) accept	ed or b)⊠ objected	to by the Examir	ner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received.								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s)								
1) Notice of References Cited (PTO-892)		4)	Interview Summary					
2) $igotimes$ Notice of Draftsperson's Patent Drawing Rev 3) $igotimes$ Information Disclosure Statement(s) (PTO-14		5)	Paper No(s)/Mail Da Notice of Informal Pa		O-152)			
Paper No(s)/Mail Date <u>3/27/06; 4/17/06</u> .		•	Other:	· · · · · · · · · · · · · · · · · · ·	,			

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DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed subject matter is directed toward a computer program product comprising a computer usable medium having program code embodied in the medium. A review of the specification, page 6, lines 10-15 detail that a computer usable medium includes computer usable signals. Computer usable signals do not constitute any of the statutory categories of invention as disclosed in M.P.E.P. 2106. Signals are not method claims and have no physical (concrete) components (materials) to constitute an apparatus, i.e. machine or article of manufacture. Signals are not composition of matters also because there are no substances being combined. It appears that the intended use of a signal is what is attempting to make the program product statutory. However, an intended use of a claim which does not provide any distinct definition of any of the claimed invention's limitations is not considered a limitation and is of no significance to claim construction (see M.P.E.P. 2111.01). Therefore, the intended use of a computer system has no patentable weight and cannot be used to make a claim statutory. In addition, program code is intended to be executed and therefore the clause of "being operable at a manager" is another intended use. Applicant can alleviate this rejection by amendment the specification to distinguish

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the difference between storage mediums and transmission mediums and amend the claims from a computer usable medium to a computer storage medium.

Allowable Subject Matter

2. Claims 1-7 and 15-19 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 9, 2006

LEWIS A. BULLOCK, JR. PRIMARY EXAMINER